

MICHELLE FISCUS, M.D., FAAP,)
)
Plaintiff,)
)
v.) **No. 3:21-cv-00686**
) **Chief Judge Crenshaw**
COMMISSIONER LISA PIERCEY, M.D.,)
MBA, FAAP, Tennessee Department of Health,)
in her official capacity;)
CHIEF MEDICAL OFFICER TIM JONES,)
M.D., Tennessee Department of Health,)
in his official capacity,)
)
Defendants.)

Defendants Commissioner Lisa Piercey, M.D., MBA, FAAP and Chief Medical Officer Tim Jones, M.D., in their official capacities, move under Fed. R. Civ. P. 56(a) and LR 56.01 for judgment as a matter of law.¹ Plaintiff alleges one cause of action—a liberty interest claim—that publication of a false statement damaged her reputation and foreclosed her of other employment opportunities. (*See* Compl., Doc. 1, PageID # 22.) Defendants are entitled to judgment as a matter of law because Plaintiff cannot establish the second and fifth elements of her liberty interest claim. Defendants did not voluntarily publish the statement at issue here. Plaintiff also cannot establish that she was foreclosed of the opportunity to practice in her chosen profession, and she cannot establish that the statement(s) were sufficiently stigmatizing.

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In support of this motion, the Defendants file separately a statement of undisputed material facts and declaration with exhibits that establish there is no dispute of material fact. They also rely on a memorandum of law that conclusively determines that the Defendants are entitled to judgment as a matter of law. Defendants respectfully request that the Court grant this motion.

Respectfully Submitted,

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Attorney General and Reporter

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of Defendants' Motion For Summary Judgment has been served through the e-filing system on December 2, 2022, to:

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